

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 253

Introduced by Assembly Member Roger Hernández

February 9, 2015

An act to add Section 987.010 to the Military and Veterans Code, and to amend Sections 5845 and 14684 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 253, as amended, Roger Hernández. ~~Mental Health Services Act.~~ *Mental health.*

Existing law, the Mental Health Services Act, an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, establishes the Mental Health Services Fund to fund various county mental health programs, and establishes the Mental Health Services Oversight and Accountability Commission, *which consists of 16 members*, to oversee the administration of various parts of the act. *Existing law authorizes the act to be amended by a $\frac{2}{3}$ vote of the Legislature if the amendments are consistent with, and further the purposes of, the act.*

~~This bill would state the intent of the Legislature to enact legislation to ensure the appropriate oversight mechanisms are in place to capture the best practices at the county level in order to ensure that veterans have access to the services provided by the act.~~

This bill would expand the commission by 2 additional members who each have specified mental health knowledge and experience, to be appointed by the Governor. By amending the provisions of the Mental Health Services Act, this bill requires a $\frac{2}{3}$ vote of the Legislature.

Existing law, the *Veterans Housing and Homeless Prevention Bond Act of 2014* (bond act), an initiative measure enacted by the voters as Proposition 41 at the June 3, 2014, primary election, authorized \$600 million in bonds to provide multifamily housing to low-income veterans and supportive housing for homeless veterans, through the *Veterans Housing and Homeless Prevention Act of 2014*. Existing law, the *Veterans Housing and Homeless Prevention Act of 2014*, provides for the acquisition, construction, rehabilitation, and preservation of affordable multifamily supportive housing, affordable transitional housing, affordable rental housing, and related facilities for veterans and their families to allow veterans to access and maintain housing stability. Existing law requires the California Housing Finance Agency, the Department of Housing and Community Development, and the Department of Veterans Affairs, to work collaboratively for those purposes.

This bill would require those departments to give a preference to applicants for funding pursuant to the bond act for supportive housing projects when the applicant can demonstrate a multiyear commitment of Mental Health Services Act funding for the applicant's housing project funding plan.

Existing law requires county mental health plans, whether administered by public or private entities, to be governed by specified guidelines, including, among other things, providing for culturally competent and age-appropriate services, to the extent feasible. Existing law requires a mental health plan to have a cultural competence plan with specified components.

This bill would require the Department of Health Care Services to submit the cultural competence plan component of each county mental health plan to the Legislature within 30 days of the department receiving the plan.

The bill would declare that the amendments to the provisions of the Mental Health Services Act are consistent with, and further the purposes of, that act.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 987.010 is added to the Military and
- 2 Veterans Code, immediately following Section 987.009, to read:

1 987.010. *The departments shall give a preference to applicants*
2 *for funding from the Veterans Housing and Homeless Prevention*
3 *Bond Act of 2014 for supportive housing projects when the*
4 *applicant can demonstrate a multiyear commitment of Mental*
5 *Health Services Act funding for the applicant's project funding*
6 *plan.*

7 SEC. 2. *Section 5845 of the Welfare and Institutions Code is*
8 *amended to read:*

9 5845. (a) The Mental Health Services Oversight and
10 Accountability Commission is hereby established to oversee Part
11 3 (commencing with Section 5800), the Adult and Older Adult
12 Mental Health System of Care Act; Part 3.1 (commencing with
13 Section 5820), Human Resources, Education, and Training
14 Programs; Part 3.2 (commencing with Section 5830), Innovative
15 Programs; Part 3.6 (commencing with Section 5840), Prevention
16 and Early Intervention Programs; and Part 4 (commencing with
17 Section 5850), the Children's Mental Health Services Act. The
18 commission shall replace the advisory committee established
19 pursuant to Section 5814. The commission shall consist of ~~16~~ 18
20 voting members as follows:

21 (1) The Attorney General or his or her designee.

22 (2) The Superintendent of Public Instruction or his or her
23 designee.

24 (3) The Chairperson of the Senate Health and Human Services
25 Committee or another member of the Senate selected by the
26 President pro Tempore of the Senate.

27 (4) The Chairperson of the Assembly Health Committee or
28 another member of the Assembly selected by the Speaker of the
29 Assembly.

30 (5) Two persons with a severe mental illness, a family member
31 of an adult or senior with a severe mental illness, a family member
32 of a child who has or has had a severe mental illness, a physician
33 specializing in alcohol and drug treatment, a mental health
34 professional, a county sheriff, a superintendent of a school district,
35 a representative of a labor organization, a representative of an
36 employer with less than 500 employees and a representative of an
37 employer with more than 500 employees, *a person with knowledge*
38 *and experience in reducing mental health disparities, a veteran*
39 *with knowledge about veteran's mental health issues, and a*
40 *representative of a health care services plan or insurer, all appointed*

1 by the Governor. In making appointments, the Governor shall seek
2 individuals who have had personal or family experience with
3 mental illness.

4 (b) Members shall serve without compensation, but shall be
5 reimbursed for all actual and necessary expenses incurred in the
6 performance of their duties.

7 (c) The term of each member shall be three years, to be
8 staggered so that approximately one-third of the appointments
9 expire in each year.

10 (d) In carrying out its duties and responsibilities, the commission
11 may do all of the following:

12 (1) Meet at least once each quarter at any time and location
13 convenient to the public as it may deem appropriate. All meetings
14 of the commission shall be open to the public.

15 (2) Within the limit of funds allocated for these purposes,
16 pursuant to the laws and regulations governing state civil service,
17 employ staff, including any clerical, legal, and technical assistance
18 as may appear necessary. The commission shall administer its
19 operations separate and apart from the State Department of Health
20 Care Services and the California Health and Human Services
21 Agency.

22 (3) Establish technical advisory committees such as a committee
23 of consumers and family members.

24 (4) Employ all other appropriate strategies necessary or
25 convenient to enable it to fully and adequately perform its duties
26 and exercise the powers expressly granted, notwithstanding any
27 authority expressly granted to any officer or employee of state
28 government.

29 (5) Enter into contracts.

30 (6) Obtain data and information from the State Department of
31 Health Care Services, the Office of Statewide Health Planning and
32 Development, or other state or local entities that receive Mental
33 Health Services Act funds, for the commission to utilize in its
34 oversight, review, training and technical assistance, accountability,
35 and evaluation capacity regarding projects and programs supported
36 with Mental Health Services Act funds.

37 (7) Participate in the joint state-county decisionmaking process,
38 as contained in Section 4061, for training, technical assistance,
39 and regulatory resources to meet the mission and goals of the
40 state's mental health system.

1 (8) Develop strategies to overcome stigma and discrimination,
2 and accomplish all other objectives of Part 3.2 (commencing with
3 Section 5830), 3.6 (commencing with Section 5840), and the other
4 provisions of the act establishing this commission.

5 (9) At any time, advise the Governor or the Legislature regarding
6 actions the state may take to improve care and services for people
7 with mental illness.

8 (10) If the commission identifies a critical issue related to the
9 performance of a county mental health program, it may refer the
10 issue to the State Department of Health Care Services pursuant to
11 Section 5655.

12 (11) Assist in providing technical assistance to accomplish the
13 purposes of the Mental Health Services Act, Part 3 (commencing
14 with Section 5800), and Part 4 (commencing with Section 5850)
15 in collaboration with the State Department of Health Care Services
16 and in consultation with the California Mental Health Directors
17 Association.

18 (12) Work in collaboration with the State Department of Health
19 Care Services and the California Mental Health Planning Council,
20 and in consultation with the California Mental Health Directors
21 Association, in designing a comprehensive joint plan for a
22 coordinated evaluation of client outcomes in the community-based
23 mental health system, including, but not limited to, parts listed in
24 subdivision (a). The California Health and Human Services Agency
25 shall lead this comprehensive joint plan effort.

26 *SEC. 3. Section 14684 of the Welfare and Institutions Code is*
27 *amended to read:*

28 14684. ~~(a)~~ Notwithstanding any other ~~provision of state law,~~
29 and to the extent permitted by federal law, mental health plans,
30 whether administered by public or private entities, shall be
31 governed by the following guidelines:

32 ~~(1)~~

33 (a) State and federal Medi-Cal funds identified for the diagnosis
34 and treatment of mental illness shall be used solely for those
35 purposes. Administrative costs incurred by counties for activities
36 necessary for the administration of the mental health plan shall be
37 clearly identified and shall be reimbursed in a manner consistent
38 with federal Medicaid requirements and the approved Medicaid
39 state plan and waivers. Administrative requirements shall be based
40 on and limited to federal Medicaid requirements and the approved

1 Medicaid state plan and waivers, and shall not impose costs
2 exceeding funds available for that purpose.

3 ~~(2)~~

4 (b) The development of the mental health plan shall include a
5 public planning process that includes a significant role for
6 Medi-Cal beneficiaries, family members, mental health advocates,
7 providers, and public and private contract agencies.

8 ~~(3)~~

9 (c) The mental health plan shall include appropriate standards
10 relating to quality, access, and coordination of services within a
11 managed system of care, and costs established under the plan, and
12 shall provide opportunities for existing Medi-Cal providers to
13 continue to provide services under the mental health plan, as long
14 as the providers meet those standards.

15 ~~(4)~~

16 (d) Continuity of care for current recipients of services shall be
17 ensured in the transition to managed mental health care.

18 ~~(5)~~

19 (e) Medi-Cal covered specialty mental health services shall be
20 provided in the beneficiary's home community, or as close as
21 possible to the beneficiary's home community. Pursuant to the
22 objectives of the rehabilitation option described in subdivision (a)
23 of Section 14021.4, mental health services may be provided in a
24 facility, a home, or other community-based site.

25 ~~(6)~~

26 (f) Medi-Cal beneficiaries whose mental or emotional condition
27 results or has resulted in functional impairment, as defined by the
28 department, shall be eligible for covered specialty mental health
29 services. Emphasis shall be placed on adults with serious and
30 persistent mental illness and children with serious emotional
31 disturbances, as defined by the department.

32 ~~(7)~~

33 (g) Mental health plans shall provide specialty mental health
34 services to eligible Medi-Cal beneficiaries, including both adults
35 and children. Specialty mental health services include Early and
36 Periodic Screening, Diagnosis, and Treatment Services to eligible
37 Medi-Cal beneficiaries under the age of 21 pursuant to ~~42 U.S.C.~~
38 Section 1396d(a)(4)(B) of Title 42 of the United States Code.

39 ~~(8)~~

1 (h) Each mental health plan shall include a mechanism for
2 monitoring the effectiveness of, and evaluating accessibility and
3 quality of, services available. The plan shall utilize and be based
4 upon state-adopted performance outcome measures and shall
5 include review of individual service plan procedures and practices,
6 a beneficiary satisfaction component, and a grievance system for
7 beneficiaries and providers.

8 ~~(9)~~

9 (i) Each mental health plan shall provide for culturally
10 competent and age-appropriate services, to the extent feasible. The
11 mental health plan shall assess the cultural competency needs of
12 the program. The mental health plan shall include, as part of the
13 quality assurance program required by Section 14725, a process
14 to accommodate the significant needs with reasonable timeliness.
15 The department shall provide demographic data and technical
16 assistance. Performance outcome measures shall include a reliable
17 method of measuring and reporting the extent to which services
18 are culturally competent and age-appropriate. *The department shall*
19 *submit the cultural competence plan component of each mental*
20 *health plan to the Legislature, in compliance with Section 9795*
21 *of the Government Code, within 30 days after the mental health*
22 *plan has been submitted to the department for approval.*

23 ~~(b) This section shall become operative on July 1, 2012.~~

24 *SEC. 4. The Legislature finds and declares that Section 2 of*
25 *this act is consistent with, and furthers the purposes of, the Mental*
26 *Health Services Act.*

27 ~~SECTION 1. It is the intent of the Legislature to enact~~
28 ~~legislation to ensure the appropriate oversight mechanisms are in~~
29 ~~place to capture the best practices at the county level in order to~~
30 ~~ensure that veterans have access to the services provided by the~~
31 ~~Mental Health Services Act.~~